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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,236	11/14/2003	Christopher J. Stone	MOTO/BCS03178	6961

43471 7590 12/05/2008

Motorola, Inc.
Law Department
1303 East Algonquin Road
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EXAMINER	
SENFI, BEHROOZ M	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
12/05/2008	ELECTRONIC

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DETAILED ACTION

Response to Amendment

1. Based on a Pre-Brief Appeal Conference decision prosecution is reopened and the previous Office Action, mailed 11/01/2007 has been with-drawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 27 – 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is noted that the claim invention is directed to, "a physical computer readable medium". However; the limitations as claimed fails to comply with the written description in the specification of the instant application, to clearly define and describe, "a physical computer readable medium" to perform the steps as claimed.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-22 are rejected under 35 U.S.C. 101 because; the claimed invention is directed to non-statutory subject matter.

Regarding claims 1 and 12, it is noted that the invention as claimed is directed to "a method of encoding and decoding a plurality of audio/video programs". Such invention is non-statutory; because the invention as claimed fails to positively tie to another statutory class in the inventive steps of the claim. Therefore; such invention is not a patent eligible process under Memorandum, dated May 15, 2008, subject of clarification of "processes" under 35 USC 101, (MPEP 2106.IV.C.).

6. Claims 27-28 are rejected under 35 U.S.C. 101 because; the claimed invention is directed to non-statutory subject matter.

It is noted that the "media" is defined in the specification (page 5 of US 2005/0108778, paragraph 0048 of the instant application) as carrier, signal-bearing media and further in section (iii) includes communication medium, such as, telephone network, wireless communications; such invention is non-statutory and fails to satisfy the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, MPEP 2106.1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier et al. (US 5,847,771) in view of Belknap et al. (US 5,586,264).

Regarding claim 1; Cloutier discloses, a method of encoding a plurality of

audio/video programs for simultaneous display on a display device (i.e. fig. 1, abstract, col. 5, lines 55 – 60), generating or recovering at least one non-composited digital transport stream having the plurality of AV programs (i.e., fig. 5, col. 6, lines 17 – 25) and transmitting the at least one non-composted digital transport stream as augmented over a digital link coupled to the display device (i.e. figs. 3 and 5, the display device 54).

Cloutier discloses MPEG2 standards for packetizing compressed audio and video and other data, e.g., control data/information, (i.e., col. 14, lines 66-col. 15, lines 23).

Cloutier is silent in regards to explicit of, control information operative to invoke simultaneous display of the plurality of AV programs on the display device.

Belknap teaches, data input, i.e., command, into MPEG that blanks/mute the video output without impacting the audio output, and vice-verses mutes the audio output without impacting the video, or both (i.e., col. 36, lines 1-30).

In view of the above, it would have been obvious to one ordinary skill in the art at the time of the invention was made to utilize the compressed video data of Cloutier by adding the "blank-mute" command as taught by Belknap, to allow more control over the A/V stream, suggested by Belknap (col. 36, lines 1-50).

Regarding claim 2, the combination of Cloutier and Belknap teaches, transport stream comprises a single digital transport stream having a control packet associated with the plurality of AV program, reads on (MPEG header information, col. 13, lines 45 – 50).

Regarding claim 3, the combination of Cloutier and Belknap teaches, identification data associated with each of the plurality of AV programs, Cloutier; col. 15, lines 13 – 17, also Belknap; col. 35, lines 60-col. 36, lines 40).

Regarding claim 4, the combination of Cloutier and Belknap teaches, PMT and PIDs (Cloutier; col. 13, lines 33 – 36).

Regarding claims 5 - 6, the combination of Cloutier and Belknap teaches, the second control packets, each of the plurality of second control packets associated with a respective one of the plurality of AV programs, reads on (PMT and PID's associated with respective one of AV stream).

Regarding claim 7, the combination of Cloutier and Belknap teaches, first control packet comprises a PAT, wherein each of the plurality of second control packets comprises a PMT, and wherein the identification data comprises packet identifiers PIDs associated with the PMT of each of the plurality of second control packets (Cloutier; col. 13, lines 28 – 37).

Regarding claim 8, the combination of Cloutier and Belknap teaches, control information comprises a command having identification data (as disclosed in the instant application as PID) associated with the plurality of AV (col. 6, lines 19 – 21 and col. 15, lines 14 – 16 of Cloutier).

Regarding claim 9, the combination of Cloutier and Belknap teaches, operational code to invoke the simultaneous display, have been addressed in claim 1 above. wherein the identification data comprises plurality of pairs of source and destination plugs, each of the plurality of pairs of source and destination plugs associated with a

respective one of the plurality of AV programs (reads on PID and PMT, col. 6, lines 17 – 25 and col. 8, lines 56 – 65, the transport stream includes PID and PMT identification data associated with respective one of the plurality of AV programs, also fig. 21-22 of Belknap).

Regarding claim 10, the limitations, plurality of digital transport streams associated with a respective one of the AV programs, are discussed in claim1 above.

Regarding claim 11, the combination of Cloutier and Belknap teaches, transport stream comprises a single digital transport stream associated with AV programs (col. 6, lines 17 – 25 of Cloutier).

Regarding claim 12, the limitations claimed are substantially similar to claim 1 and are the method of decoding of the audio/video data, thus reads on (i.e. fig. 5, process of decoding AV programs of Cloutier, also fig. 22 of Belknap).

Regarding claim 13, the limitations, transport stream comprises a single digital transport stream having a control packet associated with the plurality of AV program, have been addressed in claim 11 above.

Regarding claims 14-15, the limitations claimed have been addressed in claims 3-4 above.

Regarding claims 16 – 19, the limitations claimed have been addressed in claims 5-8 above.

Regarding claim 20, the limitations claimed are substantially similar to claim 1, therefore the ground for rejecting claim 1 also applies here.

Regarding claims 21-22, the limitations claimed are substantially similar to claims 10-11, therefore the ground for rejecting claims 10-11 also applies here.

Regarding claim 23, the limitations claimed are substantially similar to claim 1, therefore the ground for rejecting claim 1 also applies here.

Regarding claim 24, the combination of Cloutier and Belknap teaches, interface circuitry for transmitting the at least one non-composited digital transport stream over digital link (Cloutier; figs. 3 – 4, interface module).

Regarding claim 25, the limitations claimed are substantially similar to claim 12; therefore the ground for rejecting claim 12 also applies here.

Regarding claim 26, the combination of Cloutier and Belknap teaches, interface circuitry for receiving the at least one non-composited digital transport stream over a digital link in a decoder side (would have been necessitated by the disclosure of the combination of Cloutier and Belknap, also fig. 5, interface 85).

Regarding claim 27 – 28, the limitations claimed are substantially similar to claims 1 and 12, and are computer implemented method of claims 1 and 12; since the disclosure of Cloutier and Belknap is computer implemented (Cloutier; col. 2, lines 37 – 45), therefore the ground for rejecting claims 1 and 12 also applies here.

Contact

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Behrooz Senfi/
Examiner
Art Unit 2621